

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Michael Kubayanda, Chairman;  
Mark Acton, Vice Chairman;  
Ann C. Fisher;  
Ashley E. Poling; and  
Robert G. Taub

Competitive Product Prices  
Priority Mail Contract 543 (MC2019-176)  
Negotiated Service Agreements

Docket No. CP2019-198

ORDER APPROVING AMENDMENT THREE TO  
PRIORITY MAIL NEGOTIATED SERVICE AGREEMENT

(Issued January 31, 2023)

I. INTRODUCTION

The Postal Service seeks to amend a Priority Mail negotiated service agreement.<sup>1</sup> For the reasons discussed below, the Commission approves the Amendment.

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<sup>1</sup> USPS Notice of Amendment to Priority Mail Contract 543, Filed Under Seal, January 30, 2023 (Notice).

## II. BACKGROUND

In Order No. 5187, the Commission approved the Priority Mail Contract 543 negotiated service agreement (Existing Agreement).<sup>2</sup> On January 30, 2023, the Postal Service filed notice that it has agreed to the Amendment to the Existing Agreement.

The Postal Service intends for the Amendment to become effective one business day after the date that the Commission completes its review of the Notice. Notice at 1.

## III. COMMISSION ANALYSIS

The Commission has reviewed the Notice and the accompanying materials filed under seal.

*Cost considerations.* The Commission reviews competitive product prices to ensure that each product covers its attributable costs, does not cause market dominant products to subsidize competitive products, and contributes to the Postal Service's institutional costs. 39 U.S.C. § 3633(a); 39 C.F.R. §§ 3035.105 and 3035.107. As long as the revenue generated by the product exceeds its attributable costs, the product is unlikely to reduce the contribution of competitive products as a whole or to adversely affect the ability of competitive products as a whole to contribute an appropriate share of institutional costs. In other words, if a product covers its attributable costs, it is likely to comply with 39 U.S.C. § 3633(a).

The Existing Agreement is set to expire February 7, 2023.<sup>3</sup> The Amendment revises the expiration date of the contract to March 7, 2023. Notice, Attachment A at 1.

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<sup>2</sup> See Docket Nos. MC2019-176 and CP2019-198, Order Adding Priority Mail Contract 543 to the Competitive Product List, August 8, 2019 (Order No. 5187). The contract was later amended. See Order Approving Amendment One to Priority Mail Negotiated Service Agreement, September 1, 2020 (Order No. 5664). The contract was amended again. See Order Approving Amendment Two to Priority Mail Negotiated Service Agreement, December 29, 2020 (Order No. 5791).

<sup>3</sup> See Order No. 5187 at 9 (setting original expiration date as August 11, 2022); USPS Notice of Extension of Priority Mail Contract 543, July 15, 2022 (extending Priority Mail Contract 543 through November 9, 2022); USPS Notice of Extension of Priority Mail Contract 543, October 21, 2022 (extending Priority Mail Contract 543 through February 7, 2023).

The Amendment does not materially affect the underlying financial analysis of the Existing Agreement. Thus, the Commission finds that the Existing Agreement, as amended, comports with the provisions applicable to rates for competitive products in 39 U.S.C. § 3633(a) and 39 C.F.R. § 3035.107.

*Other considerations.* The Postal Service states that the Amendment shall become effective one business day after the date that the Commission completes its review. Notice at 1. The Existing Agreement, as amended, is set to expire March 7, 2023. Notice, Attachment A at 1.

If the Existing Agreement, as amended, is terminated prior to the scheduled expiration date, the Postal Service shall promptly notify the Commission.

In conclusion, the Commission approves the Existing Agreement, as amended.

#### IV. ORDERING PARAGRAPHS

*It is ordered:*

1. The Commission approves the Priority Mail Contract 543 negotiated service agreement, as amended.
2. The Postal Service shall notify the Commission if the Existing Agreement, as amended, terminates prior to the revised expiration date, March 7, 2023.

By the Commission.

Erica A. Barker  
Secretary